

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LAWRENCE K. BAERMAN
Clerk

ALEXANDER PIRNIE FEDERAL BUILDING
10 BROAD STREET
UTICA, NEW YORK 13501
(315) 793-8151

JOHN M. DOMURAD
Chief Deputy

June 10, 2005

Sarah Allison Thornton, Clerk
United States District Court
District of Massachusetts
Attention: Christine Patch
1 Courthouse Way
Boston, MA 02210

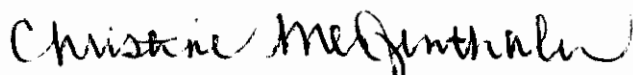
RE: MDL DOCKET No. 1456 In Re: Pharmaceutical Industry Average Wholesale
Price Litigation
USDC - Massachusetts Lead Case No. 1:01CV12257-PBS
NDNY Case Numbers 6:05-cv-415, County of Herkimer v. Abbott Labs,
Inc. et al. (District of MA No: 1:05-11190) and
6:05-cv-489, County of Oneida v. Abbott Labs,
Inc. et al. (District of MA No: 1:05-11191)

Dear Ms. Patch:

Enclosed please find a copy of the Order of the Judicial Panel on Multi-District Litigation, transferring the above cases to your court, together with a certified copy of the case docket and cover letter, as you requested. As it is understood that your court is live on CM / ECF, please be advised that the file is available in electronic format on this court's internal website (available through J-Net), by clicking on the link CM-ECF Quick Query on our homepage. If you would prefer receiving hard copies of documents in these files, or if I can assist you in any other way, please contact me at the above number.

Very truly yours,

LAWRENCE K. BAERMAN, CLERK



By: Christine Mergenthaler
Deputy Clerk

cm
cc: Counsel of record
file



UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
OFFICE OF THE CLERK
1 COURTHOUSE WAY
BOSTON, MASSACHUSETTS 02210

Sarah Allison Thornton
CLERK OF COURT

RECEIVED-UTICA

JUN 10 2005

June 8, 2005

Mr. Larry Baerman, Clerk
Alexander Pirnie Federal Building
10 Broad Street
Utica NY, 13501

**U. S. DISTRICT COURT
LAWRENCE K. BAERMAN CLERK**

IN RE: MDL DOCKET No. 1456 In Re: Pharmaceutical Industry Average
Wholesale Price Litigation

USDC - Massachusetts Lead Case No. 1:01CV12257-PBS

Your Case: Civil Action Nos:

6:05-415 County of Herkimer v. Abbott Labs, Inc. et al

District of MA No: 1:05-11190

6:05-489 County of Oneida v. Abbott Labs, Inc. et al

District of MA No: 1:05-11191

Dear Mr. Baerman :

Enclosed is a certified copy of the Order of the Judicial Panel on Multi-District Litigation, transferring the cases on the attached listing to the U.S. District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to Title 28 United States Code Section 1407. These cases have been assigned to the Honorable Patti B. Saris.

In accordance with the Rules concerning Multi-District Litigation, please forward the original case file, along with a certified copy of the docket entries and a copy of the transfer order for the case now pending in your district as indicated above. Also include a copy of this letter when transmitting your records to the above address.

Your prompt attention to this matter is greatly appreciated. If you should have any questions, please do not hesitate to contact the undersigned at 617-748-9113, Robert Alba, Courtroom Clerk for Judge Saris at 617-748-9175 or Christine Patch, Docket Clerk for Judge Saris, at 617-748-9178.

Sincerely,

A handwritten signature in cursive script that reads "Kimberly M. Abaid".

Kimberly M. Abaid
Deputy Clerk

Information Copy to: Michael Beck, Clerk of the Panel
Counsel of Record
Robert Alba
Christine Patch

I hereby certify on 06/13/05 that the foregoing document is true and correct copy of the

☐ electronic docket in the captioned case

☐ electronically filed original filed on 06/13/05

☒ original filed in my office on 06/13/05

Sarah A. Jacobson
Clerk, U.S. District Court
District of Massachusetts

By: [Signature]
Deputy Clerk

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

MAY 12 2005

FILED
CLERK'S OFFICE

DOCKET NO. 1456

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE
LITIGATIONU. S. DISTRICT COURT
N. D. OF N. Y.
FILED

(SEE ATTACHED SCHEDULE)

JUN 10 2005

CONDITIONAL TRANSFER ORDER (CTO-21) AT _____ O'CLOCK _____ M
LAWRENCE K. BAERMAN, Clerk

JUTICA

On April 30, 2002, the Panel transferred 16 civil actions to the United States District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 35 additional actions have been transferred to the District of Massachusetts. With the consent of that court, all such actions have been assigned to the Honorable Patti B. Saris.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the District of Massachusetts and assigned to Judge Saris.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of Massachusetts for the reasons stated in the order of April 30, 2002, 201 F.Supp.2d 1378 (J.P.M.L. 2002), and, with the consent of that court, assigned to the Honorable Patti B. Saris.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Massachusetts. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is pending at this time, the stay is lifted.

MAY 31 2005

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:

Michael J. BeckMichael J. Beck
Clerk of the Panel

SCHEDULE CTO-21 - TAG-ALONG ACTIONS
DOCKET NO. 1456
IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE
LITIGATION

DIST. DIV. C.A. #

CASE CAPTION

NEW YORK NORTHERN

NYN 1 05-408	The County of Washington v. Abbott Laboratories, Inc., et al.
NYN 1 05-422	County of Rensselaer v. Abbott Laboratories, Inc., et al.
NYN 1 05-425	County of Albany v. Abbott Laboratories, Inc., et al.
NYN 1 05-468	County of Warren v. Abbott Laboratories, Inc., et al.
NYN 1 05-474	County of Greene v. Abbott Laboratories, Inc., et al.
NYN 1 05-478	County of Saratoga v. Abbott Laboratories, Inc., et al.
NYN 3 05-354	County of Chenango v. Abbott Laboratories, Inc., et al.
NYN 3 05-456	The County of Broome v. Abbott Laboratories, Inc., et al.
NYN 5 05-397	County of Tompkins v. Abbott Laboratories, Inc., et al.
NYN 5 05-423	County of Cayuga v. Abbott Laboratories, Inc., et al.
NYN 6 05-415	County of Herkimer, New York v. Abbott Laboratories, Inc., et al.
NYN 6 05-489	County of Oneida v. Abbott Laboratories, Inc., et al.
NYN 7 05-479	County of Saint Lawrence v. Abbott Laboratories, Inc., et al.

NEW YORK WESTERN

NYW 1 05-214	County of Chautauqua v. Abbott Laboratories, Inc., et al.
NYW 1 05-236	County of Allegany v. Abbott Laboratories, Inc., et al.
NYW 1 05-256	County of Cattaraugus v. Abbott Laboratories, Inc., et al.
NYW 1 05-259	County of Erie v. Abbott Laboratories, Inc., et al. Opposed 5/24/05
NYW 6 05-6138	County of Wayne v. Abbott Laboratories, et al.
NYW 6 05-6148	County of Monroe v. Abbott Laboratories, Inc., et al.
NYW 6 05-6172	County of Yates v. Abbott Laboratories, Inc., et al.



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**U. S. DISTRICT COURT
LAWRENCE K. BAERMAN CLERK**

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Wholesale Price Litigation

USDC - Massachusetts Lead Case No. 1:01CV12257-PBS

Your Case: Civil Action Nos:

6:05-415 County of Herkimer v. Abbott Labs, Inc. et al

District of MA No: 1:05-11190

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Sincerely,

Handwritten signature of Kimberly M. Abaid in cursive script.
Kimberly M. Abaid
Deputy Clerk

Information Copy to: Michael Beck, Clerk of the Panel
Counsel of Record
Robert Alba
Christine Patch

CLOSED

U.S. District Court
Northern District of New York [LIVE - Version 2.4] (Utica)
CIVIL DOCKET FOR CASE #: 6:05-cv-00489-DNH-DEP

County of Oneida v. Abbott Laboratories, Inc. et al	Date Filed: 04/20/2005
Assigned to: Judge David N. Hurd	Jury Demand: Plaintiff
Referred to: Magistrate Judge David E. Peebles	Nature of Suit: 890 Other
Cause: 42:1396 - Tort Negligence	Statutory Actions
	Jurisdiction: Federal Question

Plaintiff

County of Oneida

represented by **Aaron D. Hovan**
Kirby, McInerney Law Firm
830 Third Avenue
New York, NY 10022
212-371-6600
Fax: 212-751-2540
Email: ahovan@kmslaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joanne M. Cicala
Kirby, McInerney Law Firm
830 Third Avenue
New York, NY 10022
212-371-6600
Fax: 212-751-2540
Email: jcicala@kmslaw.com
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Roger W. Kirby
Kirby, McInerney Law Firm
830 Third Avenue
New York, NY 10022
212-371-6600
Fax: 212-751-2540

Email: iramirez@kmslaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Abbott Laboratories, Inc.

Defendant

Alcon Laboratories, Inc.

Defendant

Allergan, Inc.

Defendant

Alpharma, Inc.

Defendant

Purepac Pharmaceutical Co.

Defendant

Amgen, Inc.

Defendant

Immunex Corp.

Defendant

Andrx Corp.

Defendant

**Astrazeneca Pharmaceuticals
L.P.**

Defendant

Aventis Pharmaceuticals Inc.

Defendant

Dermik Laboratories, Inc.

Defendant

Barr Laboratories, Inc.

Defendant

Baxter Healthcare Corporation

Defendant

Baxter International, Inc.

Defendant

Bayer Corporation

Defendant

Berlex Laboratories, Inc.

Defendant

Biogen Idec, Inc.

Defendant

Biovail Pharmaceuticals, Inc.

Defendant

**Bristol-Myers Squibb
Company**

Defendant

**Oncology Therapeutics
Network Corp.**

Defendant

Ben Venue Laboratories, Inc.

Defendant

Boehringer Ingelheim Corp.

Defendant

**Boehringer Ingelheim
Pharmaceuticals, Inc.**

Defendant

Roxane Laboratories, Inc.

Defendant

Dey, Inc.

Defendant

Eisai, Inc.

Defendant

Eli Lilly and Company

Defendant

Endo Pharmaceuticals, Inc.

Defendant

Ethex Corp.

Defendant

Forest Laboratories, Inc.

Defendant

Forest Pharmaceuticals, Inc.

Defendant

Fujisawa Healthcare, Inc.

Defendant

Fujisawa USA, Inc.

Defendant

Genentech, Inc.

Defendant

Genzyme Corp.

Defendant

Gilead Sciences, Inc.

Defendant

Glaxosmithkline, P.L.C.

Defendant

**SmithKline Beecham
Corporation**
doing business as
Glaxosmithkline

Defendant

Hoffman-La Roche, Inc.

Defendant

Roche Laboratories, Inc.

Defendant

Ivax Corp.

Defendant

Ivax Pharmaceuticals, Inc.

Defendant

Janssen Pharmaceutica Inc.

Defendant

Johnson & Johnson

Defendant

McNeil-PPC, Inc.

Defendant

Ortho Biotech Products LP

Defendant

**Ortho-McNeil Pharmaceutical,
Inc.**

Defendant

King Pharmaceuticals, Inc.

Defendant

Monarch Pharmaceuticals, Inc.

Defendant

Medimmune, Inc.

Defendant

Merck & Co., Inc.

Defendant

Mylan Laboratories, Inc.

Defendant

Mylan Pharmaceuticals, Inc.

Defendant

UDL Laboratories, Inc.

Defendant

**Novartis Pharmaceuticals
Corp.**

Defendant

**Novo Nordisk Pharmaceuticals,
Inc.**

Defendant

Sandoz, Inc.

Defendant

**Organon Pharmaceuticals
USA, Inc.**

Defendant

Par Pharmaceutical, Inc.

Defendant

Agouron Pharmaceuticals, Inc.

Defendant

Greenstone, Ltd.

Defendant

Pfizer, Inc.

Defendant

Pharmacia Corporation

Defendant

Purdue Pharma, L.P.

Defendant

Reliant Pharmaceuticals

Defendant

Sanofi-Synthelabo, Inc.

Defendant

Schering-Plough Corp.

Defendant

Schering Corporation

Defendant

**Warrick Pharmaceuticals
Corp.**

Defendant

**Takeda Pharmaceuticals North
America, Inc.**

Defendant

**Tap Pharmaceutical Products,
Inc.**

Defendant

Teva Pharmaceutical USA, Inc.

Defendant

UCB Pharma, Inc.

Defendant

Watson Pharma, Inc.

Defendant

Watson Pharmaceuticals, Inc.

Defendant

Wyeth

Date Filed	#	Docket Text
04/20/2005	<u>1</u>	COMPLAINT against all defendants (Filing fee \$ 250 receipt number ALB000728) filed by County of Oneida. (Attachments: # <u>1</u> Exhibit(s) A# <u>2</u> Exhibit(s) B# <u>3</u> Exhibit(s) D# <u>4</u> Exhibit(s) D# <u>5</u> Exhibit(s) E)(tab). (Entered: 04/21/2005)
04/20/2005	<u>2</u>	G.O. 25 FILING ORDER ISSUED Initial Conference set for 8/18/2005 11:00 AM in Syracuse before Magistrate Judge David E. Peebles. Civil Case Management Plan due by 8/8/2005. (tab) (Entered: 04/21/2005)
04/21/2005		Summons Issued as to Purepac Pharmaceutical Co., Amgen, Inc., Immunex Corp., Andrx Corp., Astrazeneca Pharmaceuticals L.P., Aventis Pharmaceuticals Inc., Dermik Laboratories, Inc., Barr Laboratories, Inc., Baxter Healthcare Corporation, Baxter International, Inc., Bayer Corporation, Berlex Laboratories, Inc., Biogen Idec, Inc., Biovail Pharmaceuticals, Inc., Bristol-Myers Squibb Company, Oncology Therapeutics Network Corp., Ben

		<p>Venue Laboratories, Inc., Boehringer Ingelheim Corp., Boehringer Ingelheim Pharmaceuticals, Inc., Roxane Laboratories, Inc., Dey, Inc., Eisai, Inc., Eli Lilly and Company, Endo Pharmaceuticals, Inc., Ethex Corp., Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Genentech, Inc., Genzyme Corp., Gilead Sciences, Inc., Glaxosmithkline, P.L.C., SmithKline Beecham Corporation, Hoffman-La Roche, Inc., Roche Laboratories, Inc., Ivax Corp., Ivax Pharmaceuticals, Inc., Janssen Pharmaceutica Inc., Johnson & Johnson, McNeil-PPC, Inc., Ortho Biotech Products LP, Ortho-McNeil Pharmaceutical, Inc., King Pharmaceuticals, Inc., Monarch Pharmaceuticals, Inc., Medimmune, Inc., Merck & Co., Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., UDL Laboratories, Inc., Novartis Pharmaceuticals Corp., Novo Nordisk Pharmaceuticals, Inc., Sandoz, Inc., Organon Pharmaceuticals USA, Inc., Par Pharmaceutical, Inc., Agouron Pharmaceuticals, Inc., Greenstone, Ltd., Abbott Laboratories, Inc., Pfizer, Inc., Pharmacia Corporation, Purdue Pharma, L.P., Reliant Pharmaceuticals, Sanofi-Synthelabo, Inc., Schering-Plough Corp., Schering Corporation, Warrick Pharmaceuticals Corp., Takeda Pharmaceuticals North America, Inc., Tap Pharmaceutical Products, Inc., Alcon Laboratories, Inc., Teva Pharmaceutical USA, Inc., UCB Pharma, Inc., Watson Pharma, Inc., Watson Pharmaceuticals, Inc., Wyeth, Allergan, Inc., Alpharma, Inc.. (tab,) (Entered: 04/21/2005)</p>
05/13/2005	<u>3</u>	<p>Letter from Aaron Hovan, outside counsel for County of Oneida requesting Adjournment of Deadlines. (Hovan, Aaron) (Entered: 05/13/2005)</p>
05/19/2005	<u>4</u>	<p>CONDITIONAL TRANSFER ORDER to MDL. (Imp) (Entered: 05/19/2005)</p>
05/19/2005		<p>NOTICE sent to counsel by CRD for Judge Peebles. Due to the letter submitted to the court on 5/13/05 from Aaron Hovan, Esq., the Rule 16 Conference scheduled before Judge Peebles on 8/18/05 at 11:00 am in Syracuse has</p>

		been ADJOURNED WITHOUT DATE. This case will be tracked until September for status. (sal,) (Entered: 05/19/2005)
06/10/2005	<u>5</u>	Certified copy of ORDER of Judicial Panel on Multi-District Litigation, TRANSFERRING CASE to District of Massachusetts (District of MA case number is 1:05-11191).(cbm,) (Entered: 06/10/2005)
06/10/2005	<u>6</u>	Copy of clerk's transmittal letter to the District of Massachusetts. (cbm,) (Entered: 06/10/2005)

PACER Service Center

Transaction Receipt

06/14/2005 11:37:48

PACER Login:	us2510	Client Code:	
Description:	Docket Report	Search Criteria:	6:05-cv-00489-DNH-DEP
Billable Pages:	4	Cost:	0.32